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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,062	10/06/2003	Tomio Hirano	243521US6	4093
22850	7590	08/11/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.			EXAMINER	
1940 DUKE STREET			NORRIS, JEREMY C	
ALEXANDRIA, VA 22314			ART UNIT	PAPER NUMBER
			2841	
NOTIFICATION DATE	DELIVERY MODE			
08/11/2008	ELECTRONIC			

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/678,062	<b>Applicant(s)</b> HIRANO ET AL.
	<b>Examiner</b> Jeremy C. Norris	<b>Art Unit</b> 2841

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 09 June 2008.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-14 is/are pending in the application.

4a) Of the above claim(s) 4-6 and 10-12 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-3 and 7-9 is/are rejected.

7) Claim(s) 13 and 14 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 17 October 2005 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 14 March 2008 has been entered.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by US 6,208,525 B1 (Imasu).

Imasu discloses, referring primarily to figures 6 and 7, a multilayer wired board including at least part of an electrical circuit board in which a plurality of wired boards (10, 1) are stacked so as to face their wired surfaces (13, 4A) toward each other, comprising: electrical connection parts between said wired boards are connected through a first end of an elastic conductive material part (15) adhered to a first wired board (10), and a second end of the elastic conductive material part in contact with a second wired board (1); and a double-sided adhesive material part (16) is provided

between the plurality of wired boards to adhere them together, and an opening is formed in the double-sided adhesive material part so as to surround at least part of a peripheral edge portion of said elastic conductive material part to seal said plurality of multilayer wired boards; wherein a height of said double-sided adhesive material part is smaller than a height of said elastic conductive material part and the second end of the elastic conductive material part and a peripheral part of the second wired board are bent and pressed together (figure 7) [claim 1], wherein said elastic conductive material part is formed in a convex shape, the bottom of said elastic conductive material part is adhered to one of said wired boards and the top of said elastic conductive material part is adhered to an electrical connection part of other side of said wired board, whereby electrical connection is established [claim 2].

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

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4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Imasu in view of US 2001/0020985 A1 (Hinata).

Imasu discloses, a first board (10), and a second board (1) opposing said first board by a predetermined distance; electrical connection parts between said first board and said second board being connected through a first end of an elastic conductive material part (15) adhered only to said first board, and a second end of the elastic conductive material part in contact with the second board; a double-sided adhesive material part (16) provided between the first board and the second board to adhere them together, and an opening being formed in the double-sided adhesive material part so as to surround at least part of a peripheral edge portion of said elastic conductive material part to seal said first board and said second board; wherein a height of said double-sided adhesive material part is smaller than a height of said elastic conductive material part and the second end of the elastic conductive material part and a

peripheral part of the second board are bent and pressed together. Imasu does not specifically disclose that the device is a touch panel wherein the first board is a light transmission first board having a light transmission conductive layer formed as a predetermined pattern thereon and the second board is a light transmission second board made of a flexible material having a light transmission conductive layer thereon [claim 7]. However, it is well known in the art, as evidenced by Hinata (referring primarily to figure 1), to a touch panel (1) comprising a light transmission first board (8a) having a light transmission conductive layer (9a) formed as a predetermined pattern thereon and a light transmission second board (8b) made of a flexible material ([0070]) having a light transmission conductive layer (9b) thereon. Therefore, it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to use the above configuration for the first and second boards in the invention of Imasu. The motivation for doing so would have been to increase the range of potential applications of the device by allowing the device to be able to accept optical signals.

Additionally, the modified invention of Imasu teaches wherein said elastic conductive material part is formed in a convex shape, the bottom of said elastic conductive material part is adhered to one of said wired boards and the top of said elastic conductive material part is adhered to an electrical connection part of other side of said wired board, whereby electrical connection is established [claim 8],

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Imasu in view of US 6,807,064 B2 (Hedler).

Imasu discloses the claimed invention as described above except Imasu does not specifically state that said elastic conductive material part is formed in a convex shape and the height from the bottom to the top of said elastic conductive material part is set to 200-400  $\mu\text{m}$  [claim 3]. However, it is well known in the art to form elastic conductive parts in sizes within this range as evidenced by Hedler (col. 2, lines 15-20). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to form the elastic conductive parts in the invention of Imasu within the claimed range as is known in the art and evidenced by Hedler. The motivation for doing so would have been to ensure a reliable electromechanical connection.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Imasu in view of Hinata as applied to claim 7 above, and further in view of Hedler.

The modified invention of Imasu teaches the claimed invention as described above except modified Imasu does not specifically state that said elastic conductive material part is formed in a convex shape and the height from the bottom to the top of said elastic conductive material part is set to 200-400  $\mu\text{m}$  [claim 3]. However, it is well known in the art to form elastic conductive parts in sizes within this range as evidenced by Hedler (col. 2, lines 15-20). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to form the elastic conductive parts in the modified invention of Imasu within the claimed range as is known in the art and evidenced by Hedler. The motivation for doing so would have been to ensure a reliable electromechanical connection.

***Response to Arguments***

Applicant's arguments with respect to claims 1-3 and 7-9 have been considered but are moot in view of the new ground(s) of rejection.

***Allowable Subject Matter***

Claims 13 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Claims 13 and 14 state the limitation "wherein said elastic conductive material part does not contact said double sided adhesive material part". This limitation, in conjunction with the other claimed features, was neither found to be disclosed in, nor suggested by, the prior art.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeremy C. Norris whose telephone number is (571)272-1932. The examiner can normally be reached on Monday - Thursday, 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean A. Reichard can be reached on 571-272-1984. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jeremy C. Norris  
Primary Examiner  
Art Unit 2841

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Primary Examiner, Art Unit 2841